

REMARKS

Claims 31-38 are pending in the present application. Applicants gratefully acknowledge the withdrawal of previous rejections. In the present office action, claims 31-38 are solely rejected under the judicially created doctrine of obviousness-type double patenting, as allegedly being unpatentable under claims 1-12 of U.S. patent no. 5,648,485. To expedite prosecution, Applicants submit a terminal disclaimer obviating the double patenting rejection.

In view of the above, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket No. 273012011200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

Dated: July 5, 2005

Respectfully submitted,

By 
Emily C. Tongco

Registration No.: 46,473
MORRISON & FOERSTER LLP
3811 Valley Centre Drive
Suite 500
San Diego, California 92130-2332
(858) 314-5413